

BRIAN M. BOYNTON  
Acting Assistant Attorney General

BRAD P. ROSENBERG  
Assistant Director, Federal Programs Branch

JAMES C. LUH (N.Y. Bar)  
Senior Trial Counsel  
United States Department of Justice  
Civil Division, Federal Programs Branch  
1100 L St NW  
Washington DC 20530  
Tel: (202) 514-4938  
E-mail: James.Luh@usdoj.gov  
Attorneys for Defendants

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**  
**PORTLAND DIVISION**

OREGON TRADESWOMEN, INC., et al., Case No.: 3:21-cv-89-YY

Plaintiffs

**Defendants'**  
**STATUS REPORT**

v.

U.S. DEPARTMENT OF LABOR, et al.,

Defendants

The defendants are filing this status report as discussed in the Defendants' Unopposed Motion for Stay, ECF No. 15, to update the Court and the plaintiffs on the Department of Labor's plans to propose rescission of the rule at issue in this case.

The plaintiff organizations challenge a rule issued by the Department of Labor in December 2020, Implementing Legal Requirements Regarding the Equal Opportunity Clause's

Religious Exemption, 85 Fed. Reg. 79,324 (Dec. 9, 2020), asserting claims under the Administrative Procedure Act, 5 U.S.C. §§ 551–559, 701–706. The Defendants’ Unopposed Motion for Stay advised the Court that the Department of Labor intends to propose rescission of the December 2020 rule. The defendants requested a stay until May 11, 2021, which the Court granted, Order, ECF No. 16. The defendants promised to file a status report by March 29, 2021, and a further status report by May 11, 2021.

On March 22, 2021, the Department of Labor submitted a notice of proposed rescission of the rule to the Office of Information and Regulatory Affairs (OIRA) within the White House Office of Management and Budget. *See* Pending EO 12866 Regulatory Review, <https://www.reginfo.gov/public/do/eoDetails?rrid=156665> (last visited Mar. 29, 2021). After OIRA completes its review of the notice, the Department of Labor anticipates publishing the notice in the Federal Register as part of notice-and-comment rulemaking.

Because OIRA is permitted to take up to 90 days to complete its review, the defendants expect that they will request that the Court extend the stay of proceedings in this case past the present May 11, 2021, expiration date. On or before May 11, 2021, the defendants will confer with the plaintiffs and will file a further status report and any request to extend the stay, if appropriate.

Date: March 29, 2021

Respectfully submitted,

BRIAN M. BOYNTON  
Acting Assistant Attorney General

BRAD P. ROSENBERG  
Assistant Director, Federal Programs Branch

s/ JAMES C. LUH  
JAMES C. LUH (N.Y. Bar)  
Senior Trial Counsel  
United States Department of Justice  
Civil Division, Federal Programs Branch  
1100 L St NW  
Washington DC 20530  
Tel: (202) 514-4938  
E-mail: James.Luh@usdoj.gov  
Attorneys for Defendants